

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:

JASON LEWIS ZILBERBRAND

Debtor.

Chapter 7
Case No. 17-04034
Judge A. Benjamin Goldgar

**OBJECTION TO APPLICATION FOR AN ORDER
AUTHORIZING TRUSTEE'S EMPLOYMENT OF LITIGATION SPECIAL COUNSEL**

Jason Lewis Zilberbrand, Debtor herein, by and through his attorneys, for his Objection to Application for an Order Authorizing Trustee's Employment of Litigation Special Counsel, hereby states as follows:

1. On February 13, 2017, the Debtor filed his voluntary petition pursuant to Chapter 7 of the Bankruptcy Code.
2. Ilene F. Goldstein ("Trustee") was appointed Trustee and continues to serve in that capacity.
3. The Trustee has filed an Application for an Order Authorizing Trustee's Employment of Litigation Special Counsel (the "Motion").
4. The Motion seeks to employ Bauch & Michaels to pursue certain litigation claims on behalf of the estate.
5. Pursuant to paragraph 8 of the Affidavit filed in conjunction with the Motion, Bauch & Michaels reveals that David Gassman ("Gassman"), who Bauch & Michaels previously represented in a Motion to Dismiss this bankruptcy case, as well as additional litigation against the Debtor, will be paying the fees and expenses of Bauch & Michaels incurred in representing the Trustee in this case, subject to Gassman seeking reimbursement from the estate for any fees and

costs advanced in connection with future applications for compensation that Bauch & Michaels may file in the case.

6. Gassman is a potential litigation target of the Trustee pursuant to claims held by the Debtor against Gassman.

7. The Trustee alleges that Bauch & Michaels are disinterested since Gassman, being a creditor of the estate, has the same interest as the estate in obtaining funds to pay creditors. The fact that Gassman is paying the fees of proposed special counsel while also being a potential target of litigation by the estate raises a conflict for Bauch & Michaels to serve as special counsel.

8. The fact that a potential litigation target would control the purse strings for the lawyers representing the estate would raise a conflict that should bar Bauch & Michaels from serving as Trustee's counsel.

WHEREFORE, Jason Lewis Zilberbrand, Debtor, herein respectfully requests this Honorable Court enter an Order denying the Motion to Employ Bauch & Michaels as special counsel to the Trustee.

Respectfully submitted,

/s/Jeffrey C. Dan

DEBTOR'S COUNSEL:

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